

Message

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Sent: 2/20/2020 7:13:51 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: talking point for OCSPP hearing prep

Alex & David,

Below please find the talking point we discussed about the glyphosate amicus brief:

On December 20, 2019, the U.S. Government filed an amicus brief in the 9th Circuit appeal in Monsanto v. Hardeman, where a lower court jury verdict found Monsanto had failed to warn a California man of the cancer risks of glyphosate. The brief argues that state tort law claims for failure to warn are preempted under section 24(b) of FIFRA because state courts' common law requirements to warn are "in addition to or different from" what EPA has required for glyphosate labeling under FIFRA. The USG has a strong interest in preserving the delineation between federal and state authority that ensures the EPA can maintain nationally uniform labeling.

+ Tony given the imminent 3:00 deadline

Regards,
Kamila